

No. 16459/1-L.—Whereas the Governor of Haryana is satisfied that the land specified below is needed urgently by the Government, at public expense, namely, for construction of Protection Bund from R. D. 300 to R. D. 955 on Sahibi Nadi in villages Malahera and Dohna in tehsil Rewari of district Mahendragarh for which a notification has been issued under sub-section (4) of section 17 read with clause (C) of sub-section (2) of section 17 of the said Act and published,—*vide* Haryana Government notification No. . . . dated the . . . in *Haryana Government Gazette* Part I, it is hereby declared that the land described in the specifications below is required urgently for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, for the information of all to whom it may concern.

The plans of the land may be inspected in the offices of the Land Acquisition Collector, Public Works Department, Irrigation Branch, Ambala City and the Executive Engineer, Bunds and Investigation Division, Narnaul.

SPECIFICATIONS

Serial No.	District	Tehsil	Village and Hadbast Number	Area in acres	Boundary
1.	Mahendragarh	Rewari	Dohna, 285	0.524	A strip of land 655 feet in length and varying in widths lying generally in the direction of South-east to North-west comprising of Rectangle number and field numbers as under :— Rectangle Number . . . 6 Fields Numbers 17/2, 18/2, 23/1, 24/1/2.
2.	Do	Do	Malahera, 278	0.277	Rectangle Number 41 Field Numbers 12/1, 19/2.
Total ..				0.801	As demarcated at site and as shown on the plans.

By order of Governor of Haryana,

(Sd.)

Superintending Engineer,
Construction Circle, No. I,
3-Alipur Road, Delhi-6.

IRRIGATION AND POWER DEPARTMENT

The 3rd January, 1976

No. 87/2-L.—Whereas the Governor of Haryana is satisfied that the land specified below is needed by the Government, at public expense, for a public purpose, namely, for constructing Mohindergarh Canal from Kilometre 19.273 to Kilometre 26.00 in Villages Seehor, Kunina and Dhanuda in tehsil Mohindergarh, district Mohindergarh, for which a notification has been issued under Sub-section (4) of Section 17 read with clause (c) of Sub-section (2) of Section 17 of the said Act and published,—*vide* Haryana Government Notification No. 8407/2L dated 19th December, 1975 in *Haryana Government Gazette, Part-I*.

It is hereby declared that the land described in the specifications below is required urgently for the above purpose.

This declaration is made under the provisions of Section 6 of the Land Acquisition Act, 1894, for the information of all to whom it may concern.

The plans of the land may be inspected in the offices of the Land Acquisition Collector, Public Works Department, Irrigation Branch, Ambala, and the Executive Engineer, Mohindergarh Canal Division, No. 2, Dadari.

SPECIFICATIONS

District	Tehsil	Village	Hadbast No.	Area in acres	Boundary
Mahendragarh	Mahendragarh	Seehor	3	53.831	A Strip of land measuring 6.727 Kilometres (22,070 feet) in length and varying in widths passing through Khasra Numbers as per statement given below laying generally in the direction from north-east to south-west as Demarcated at site and shown in the Index Plan.
Do	Do	Kanina	14	3.320	
Do	Do	Dhanuda	12	60.234	
Total				117.385	

JAWAHAR LAL NEHRU CANAL CIRCLE NO. 2, ROHTAK

Statement showing the Khasra Number for land proposed to be Acquired for constructing Mohendragarh Canal from Killometre 12.173 to Kilometre 26.000 in Villages Seehor, Kanina and Dhanuda in tehsil Mahendragarh, district Mahendragarh.

Sr. No.	Village	District	Tehsil	Hadbast No.	Khasra Numbers
1	2	3	4	5	6
1.	Seehor	Mahendragarh	Mahendragarh	3	47
					6, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24 & 25
					48 50
					1, 2, 9, 10, 11, 12 & 13, 1, 2, 3, 4, 9,
					50 51
					10 & 11, 4, 5, 6, 7, 8, 12, 13, 14, 15, 16,
					51
					17, 18, 19, 20, 21, 22, 23 and 24
					52 65
					16, 24 and 25, 13, 14, 16, 17, 18, 23, 24 & 25
					66
					3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 19,
					66 67 71
					20, 21 & 22, 1, 2, 3 and 10 1

1	2	3	4	5	6
1. concl'd Seehor concl'd		Mahendragarh	Mahendragarh	3— concl'd	72
					2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 19 72 73
					and 20, 15, 16, 17, 23, 24 and 25 82
					6, 14, 15, 16, 17, 18, 21, 22, 23 and 24 83 89
					1, 2, 3, 4, 8, 9, 10, 11 and 12, 1, 2, 3, 9 & 10 90
					5, 6, 7, 13, 14, 15, 17, 18, 19, 20, 21, 22 and 23 18 19 20
2. Kanina	Do		Do	14	21 and 22, 25, 4, 5, 6, 7, 8, 13 and 14 21
					1
3. Dhanuda	Do		Do	12	80 81
					16, 23, 24 and 25, 8, 11, 12, 13, 19, 20 and 21 83 84
					2, 3, 4, 5, 7, 8, 9, 10, 11 & 12, 14, 15, 16, 17, 18, 84 113
					21, 22, 23, 24 and 25, 25 114
					5, 6, 7, 12, 13, 14, 15, 17, 18, 19, 20, 21, 114 121 122
					22 and 23, 1, 2 and 10, 4, 5, 6, 7, 122
					8, 11, 12, 13, 14, 15, 18, 19, 20, 21 and 22 123 146 161
					16, 24 and 25, 25, 13, 14, 15, 16, 17, 18, 161 162
					19, 20, 21, 22 and 23, 23, 24 and 25 175 148
					3, 4, 5, 7 and 8, 2, 3, 4, 5, 7, 8, 9, 10, 148 149
					11, 12, 13, 19 and 20, 1

The 3rd January, 1976

No. 79/2-L.—Whereas the declaration under section 6 of the Land Acquisition Act, 1894 in respect of the Land specified below has been made and published in Haryana Government Gazette,—vide Declaration No. 7941/2-L, dated 28th November, 1975.

The workman, *-vide* rejoinder filed by him denied the allegations made by the management that he had been employed exclusively in the Health Department and averred that he had been working in various jobs of different departments of the respondent and that persons junior to him had been retained in service at the time of his retrenchment. He specifically stated that there were no water tight compartments of the respondent Committee and employees working in one department could be transferred to the other. He denied the allegations of the respondent that an offer of the retrenchment compensation had been made to him by them at the time of his retrenchment or prior thereto. He finally gave out that his retrenchment was the result of victimisation policy of the respondent against him.

The following issues were thus framed on pleas of the parties, *-vide* order dated 8th September, 1972.

1. Whether Shri Dhan Singh concerned workman was employed in the Health Department of the Municipal Committee, Bhiwani, and whether the said department is not an industry within the meaning of the Industrial Disputes Act?
2. Whether the termination of services of Shri Dhan Singh was justified and in order? If not, to what relief is he entitled?

I have read the written arguments filed by the parties on record with reference to the evidence led by them. I decide the issue as under.

Issue No. 1

The plea of the respondent relating to this issue, *prima facie* seems to be frivolous, even if considered independent of the evidence led by the parties. The Health Department of the Municipal Committee can by no stretch of imagination be said to be an independent body, separate from the Municipal Committee. It is obviously a branch of the Municipal Committee, not having any independent existence.

Shri Indraj Singh, Sanitary Inspector examined as M. W. 1, while stating in examination in chief that the workman had been employed as a Malaria Mate and his post was not transferable to any other section of the Committee admitted in cross-examination that he had worked in the Octroi Department once. He denied knowledge if he (workman) had worked as a Peon for several months in the office of the Secretary and Accounts Section of the Committee. He admitted that no special qualifications were required for a Malaria Mate whose job was un-skilled and that the post of an Octroi Peon and the Peons attached to the President and Secretary were also of that nature. He further admitted that there were 7 or 8 departments in the Committee and that the employees of other departments were transferable.

Shri Ishar Singh, Accountant of the respondent appearing as M. W. 2 admitted that Shri Dhan Singh had been transferred once to the Octroi Department and at another time as a Peon in the office and that there were no rules regarding transfer of the employees from one department to the other. He admitted that the workman had been transferred to the Octroi Department and the Head Office for want of work in the Malaria section. He did not produce the attendance register of the year 1964 and July, 1970 to November, 1971 when the workman was employed. He did not produce the appointment letter of the workman. Both these documents had been specifically summoned by the workman and there non-production leads to an inference that Shri Dhan Singh was not primarily employed in the Malaria Section of the Health Department but was recruited as a Peon. He did not produce the seniority list of the employees of the respondent as summoned from him. He in fact admitted that some peons had been employed after the recruitment of Shri Dhan Singh.

It would thus appear from the admissions made by Shri Indraj Singh and Shri Ishar Singh the respondent's witnesses, that the plea of the later in respect of the employment of the workman exclusively for the Malaria Section of the Health Department is a myth and a fabrication, put forth for victimising the workman for some extra nuous consideration. I decide this issue accordingly against the management.

Issue No. 2

Coming now to the determination of the second aspect of the case relating to the offer to the workman of the retrenchment compensation at the time of his retrenchment, the respondent relied on the report of Shri Rohtan Singh, Accounts Clerk, Exhibit M. W. 3/1, dated 18th October, 1970 that the workman declined to accept the retrenchment compensation of Rs. 438 and the endorsement of Shri Dalley Singh, Clerk, made thereupon that the workman declined to accept the retrenchment compensation in his presence on 18th October, 1970. Shri Rohtan Singh and Shri Dalley Singh were examined as M. W. 3 and M. W. 4, respectively and each one of them proved his own writing made in the manner as referred to above. It is however significant to note that the report Exhibit M. W. 3/1 bearing the endorsement of Shri Dalley Singh marked 'B' was brought on record for the first time on 15th April, 1974 at a very belated stage, very long after the reference was made on 18th

February, 1972 and was not even relied upon earlier. No mention was made of these documents even in the written statement filed on 10th July, 1972. The possibility of these documents being fabricated can not thus be excluded and I have no hesitation in holding under the circumstances, that these are suspicious documents.

The conclusion arrived at by me is found further strengthened by the following circumstances and admissions made by Rohtan Singh. For instance Rohtan Singh did not remember the date on which the retrenchment notice was issued or if Shri Dhan Singh had been put under suspension for a couple of months before his retrenchment. He admitted that the cheque relating to the payment of a sum of Rs 433, retrenchment compensation of the workman was sent to the later 3 months and 12 days after 18th October, 1970, the date of offer of that amount in cash to the workman and his refusal to receive the same. He could not explain the delay made in remitting that amount. It is not understandable as to why the signatures of the workman were not obtained on Exhibit M. W. 3/1 in respect of his refusal to receive the amount. All these facts leads to an un-mistakable conclusion that the story put-fourth by the management in this respect also is un-reliable deserving no credit.

It could not be denied by the respondent that the workman had been suspended with effect from 13th August 1970,—vide letter Exhibit W.1 and had been charge-sheeted,—vide letter Exhibit W.2 dated 18th August, 1970 with the allegation that his work was not satisfactory and that he often picked up quarrel with other employees. No enquiry was admittedly held against the workman and an order of retrenchment with effect from 7th November, 1970 Exhibit W.3 was abruptly made. These facts also speak volumes against the management in respect of their mind to weed out the workman on one excuse or the other howsoever un-justifiable it may be.

The workman while appearing as his own witness stoutly denied the pleas of the management and brought on record the suspension order Exhibit W. 1 and charge-sheet Exhibit W. 2. He gave out that no retrenchment compensation was ever offered to him at the time of his retrenchment and that persons junior to him had been retained in service. I am thus convinced of the fallacy of the pleas of the respondent and the correctness of the stand taken up by the workman.

The provisions of section 25 F of the Industrial Disputes Act are thus proved to have been violated, inasmuch as persons junior to the workman had been retained in service and retrenchment compensation was not paid to the workman at the time of his retrenchment. His retrenchment being illegal, the workman is entitled to be reinstated. I decide this issue accordingly in favour of the workman.

The result is that the termination of services of the workman being unjustified, he is entitled to be reinstated with continuity of service. He shall be paid his full back wages conditional on proof of his remaining un-employed during the period from the date of termination of his services till the date of this award. There shall be no order as to costs.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Dated the 25th November, 1975.

No. 3021, dated 1st December, 1975.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 13821-Lab-75/167.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workman and the management of M/S Laxmi Chand Ved Parkash, Jagadhri.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK.

Reference No. 6 of 1974

between

SHRI RAM SAROOP AND THE MANAGEMENT OF M/S LAXMI CHAND VED PARKASH,
JAGADHRI

AWARD

By order No. ID/Amb/318-A-73/1892-1902, dated 22nd January, 1974 of the Governor of Haryana, the following dispute between the management of M/s Laxmi Chand Ved Parkash, Jagadhri and its workman Shri Ram Saroop was referred for adjudication to this Court, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947:—

“Whether the termination of services of Shri Ram Saroop was justified and in order ? If not, to what relief is he entitled ?”

The parties appeared in this court in response to the notices of reference sent to them and filed their pleadings giving rise to the following issues :—

1. Whether the demand the subject matter of the present reference was first raised on the management and rejected by it before taking up the matter for conciliation ?
2. Whether the termination of services of Shri Ram Saroop was justified and in order ? If not, to what relief is he entitled ?

Shri Madhusudan Sharan Kaushish learned authorised representative for the workman made a statement on 24th November, 1975 before me that the workman was not interested in pursuing the demand raised by him on the management leading to the reference. It is thus obvious from the statement of Shri Madhusudan Sharan Kaushish that there is now no dispute between the parties requiring adjudication. I hold accordingly and return the award with no order as to costs.

Dated 27th November, 1975.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

The 2nd January, 1976

No. 13165-4 Lab-75/391.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/S Ego Metal works (P) Ltd.; Gurgaon.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 28 of 1970.

between
SHRI MOHAN LAL AND OTHERS. AND THE MANAGEMENT OF M/S EGO METAL
WORKS (P) LTD., GURGAON

Present:

Shri D. C. Chadha, for the management.

Nemo, for the workmen.

AWARD

By order No. ID/11105-9, dated 10th April, 1970 of the Governor of Haryana, the following disputes between the management of M/s Ego Metal Works (P) Ltd., Gurgaon and its workmen S/Shri Mohan Lal and others, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947, was referred for adjudication to this court.

“Whether the termination of services of S/Shri Mohan Lal, Puran Chand, Tara Chand, Partap Singh, Devi Ram, Kishan Sharma and Tharu Ram was justified and in order ? If not, to what relief are they entitled ?”

Usual notices of the reference being sent to the parties, they appeared in this court and filed their pleadings.

An interim award dated 19.3.75 was made by Shri O. P. Sharma my learned predecessor in respect of the demand raised by S/Shri Puran Chand, Tara Chand and Partap Singh as a result of

the statements made by them giving up their claims. It was found that in view of the statements made by them giving up their claims no further action was called forth and they were not entitled to any relief.

As reggard the demand of the other workmen Sarvshri Mohan Lal, Devi Ram, Kishan Sharma and Tharu Ram leading to this reference, they are absent today despite personal service of the notice of this reference on their authorised representative Shri Shardha Nand. This indicates that they are also not interested in pursuing their demand leading to this reference.

I thus hold that there is now no dispute between the parties requiring adjudication. I return a no dispute award in respect of the demands of Sarvshri Mohan Lal, Devi Ram, Kishan Sharma and Tharu Ram. There shall be no order as to costs.

Dated the 6th November, 1975.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 13914-4Lab-75/393.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Jai Hind Metal Industries, Jagadhri.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 41 of 1975

between

THE WORKMEN AND THE MANAGEMENT OF M/S JAI HIND METAL
INDUSTRIES JAGADHRI

AWARD

By order No. ID/AMB/270-C-75/11122, dated 19th February, 1975, the Governor of Haryana referred the following dispute between the management of M/s Jai Hind Metal Industries, Jagadhri and its workmen to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the workmen should be paid bonus for the year 1973-74 ? If so, with what details ?

The parties appeared in this Tribunal in response to the refereace sent to them.

Shri Surinder Kumar authorised representative for the workmen made a statement that the workmen not interested in pursuing the demand dated 23rd October, 1974 leading to this reference and propose to withdraw the same.

I thus having regard to the statement of Shri Surinder Kumar authorised representative for the workmen hold that there is now no dispute between the parties requiring adjudication. I return a no dispute award.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated 4th December, 1975.

No. 13069-4Lab-75/396.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Glob Wasti Mfg. Co. 14/1., Mathura Road, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 165 of 1973

between

THE WORKMEN AND THE MANAGEMENT OF M/S GLOB WASTI MFG. CO., 14/1,
MATHURA ROAD, FARIDABAD

AWARD

By order No. 1D/PD/73370/39176, dated 20th September, 1973, the Governor of Haryana, referred the following dispute between the management of M/s Glob Wasti Mfg. Co., 14/1, Mathura Road, Faridabad and its workmen to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

- (1) Whether the workmen are entitled to bonus for the year 1971-72 at a enhanced rate ? If so, with what details ?
- (2) Whether the workmen should be provided with uniforms ? If so, with what details ?
- (3) Whether the workmen should be granted sick leaves as provided in the Punjab Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Act, 1965, over and above the sickness benefit provided under the Employees, State Insurance Act? If so, with what detail ?

The parties appeared in this Tribunal in response to the notices of the reference sent to him.

The case was adjourned to 26th September, 1975 with a direction to the management to file their written statement, *-vide* my order dated 26th August, 1975, when Shri Ashok Kumar authorised representative for the workmen was present.

None, however, appeared for the workmen on 26th September, 1975 the adjourned date of hearing dispute the authorised representative for the workmen being directed to do so,—*vide* my order dated 26th August, 1975 with the result that *ex parte* proceedings were taken up against him on 26th September, 1975 and the management was directed to adduce their *ex parte* evidence on 11th November, 1975.

Shri S. L. Gupta authorised representative for the management did not propose to adduce *ex parte* evidence on 11th November, 1975 in view of the burden to prove the dispute as stated above being on the workmen.

I have considered the whole matter, the workmen have not taken care to prove the demand raised by them on the management and the burden so heavily placed on them, *vide* reference sent to this Tribunal in respect of the disputes stated above, remained undischarged. The case of the workmen thus remained unestablished.

The result is that the workmen are not entitled to any relief in respect of any of the demands raised by them on the management as covered by the dispute stated above. I return the award accordingly.

Dated 13th November, 1975.

MOHAN LAL JAIN.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1712 dated 13th November, 1975.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Dated 13th November, 1975.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.